

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21 and 29-32 are pending in the present application, Claims 21 and 29-32 having been amended. Support for the amendments to Claims 21 and 29-32 is found, for example, in paragraph [0218] of the published version of the specification (2004/0081431) and Applicants' Fig. 1. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 21 and 29 were rejected under 35 U.S.C. §101, Claims 30-32 was rejected under 35 U.S.C. §112, second paragraph; and Claims 21 and 29-32 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,263,155, hereinafter Saeki) in view of Okada et al. (U.S. Patent No. 6,148,140, hereinafter Okada).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on July 5, 2007. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed.

With respect to the rejection of Claims 21 and 29 under 35 U.S.C. §101, Applicants respectfully submit that the amendments to Claims 21 and 29 overcome this ground of rejection. Claims 21 and 29 are directed toward "a disc-shaped manufacture." An exemplary embodiment of the claimed "disc-shaped manufacturer" is a DVD disc in which a recording layer structure corresponding to the claimed medium is physically used.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

As Claims 21 and 29 recite "A disc-shaped manufacture configured to have data recorded thereon and data reproduced therefrom by an information recording/reproducing apparatus," it is respectfully submitted that this recitation provides the interrelationship between the disc-shaped manufacture (medium) and the information recording/reproducing apparatus (hardware). Consequently, it is respectfully submitted that Claims 21 and 29 are in compliance with 35 U.S.C. §101.

Moreover, the MPEP provides that:

Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitations to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101 . . . Further, when such a rejection is made, office personnel must expressly state how the language of the claims has been interpreted to support the rejection. (emphasis added) See MPEP § 2106.

Amended Claims 21 and 29 are not devoid of any limitations to a practical application in the technological arts. Thus, a rejection under 35 U.S.C. §101 is improper.

With respect to the rejection of Claims 30-32 under 35 U.S.C. §112, second paragraph, these Claims are amended as suggested in the outstanding Office Action. Applicants respectfully submit that the rejection of Claims 30-32 under 35 U.S.C. §112, second paragraph is overcome.

With respect to the rejection of Claim 21 as unpatentable over Saeki in view of Okada, Applicants respectfully submit that the amendment to Claim 21 overcomes this ground of rejection. Amended Claim 21 recites, *inter alia*, "said data area is configured to

record the data object with ECC blocks, said data object being able to include video or audio information, the ECC blocks are used as address information of the data area.”

Page 6 of the outstanding Office Action contends that Saeki discloses an error correction code block address (ECC block address) being defined in units of the error correction code block and corresponding to an integer multiple of said sectors. The outstanding Office Action cites to Fig. 5 and col. 8, lines 30-43 of Saeki.

However, col. 8, lines 40-43 of Saeki merely discloses that an entries relative address (the number of bytes) is relative to the start of the (consecutive recording area management) table. This does not disclose or suggest using ECC blocks as address information.

Fig. 5 of Saeki is a sector management table, and does not show ECC blocks being used as address information of the data area.

Furthermore, Fig. 4 of Saeki merely shows that zone areas include ECC blocks. There is no disclosure or suggestion that the ECC blocks are used as address information of the data area in Fig. 4 of Saeki.

Okada does not cure this deficiency in Saeki as Okada does not disclose or suggest using ECC blocks as address information.

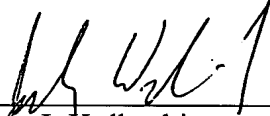
In view of the above-noted distinctions, Applicants respectfully submit that Claim 29 patentably distinguishes over Saeki and Okada, taken alone or in proper combination.

Claims 29-32 recite “an error correction code block address being defined in units of the error correction code block is used as address information of the data area.” Thus, Claims 29-32 also patentably distinguish over Saeki and Okada, taken alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796